

14009. Adulteration and misbranding of apple jelly. U. S. v. 39 Cases of Jelly. Default decree of destruction entered. (F. & D. No. 17585. I. S. No. 3439-v. S. No. E-4419.)

On June 29, 1923, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 cases of jelly, at Charlotte, N. C., alleging that the article had been shipped by the Old Virginia Orchard Co., Inc., from Front Royal, Va., March 27, 1923, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Maiden Blush Brand Pure Apple Jelly * * * Old Virginia Orchard Co. Inc. Front Royal, Va. Net Weight 6½ Oz."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that pectin jelly containing added phosphoric acid had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements on the labels "Pure Apple Jelly * * * Net Weight 6½ Oz.," together with a design showing primitive jelly manufacturing plant with container holding what are apparently apples, and section of orchard, were false and misleading and deceived the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about January 8, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14010. Adulteration of chocolate concentrate. U. S. v. 9¾ Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18615. I. S. No. 15994-v. S. No. E-4815.)

On April 23, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9¾ gallons of chocolate concentrate, remaining in the original unbroken packages at Carbondale, Pa., alleging that the article had been shipped by the Jack Beverages, Inc., from New York, N. Y., on or about April 5, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate * * * Jack Beverages Inc. * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On September 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14011. Adulteration and misbranding of chocolate concentrate. U. S. v. 4¾ Gallons of Chocolate Concentrate. Default order of destruction entered. (F. & D. No. 18674. I. S. No. 3242-v. S. No. E-4836.)

On May 12, 1924, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4-3/4 gallons of chocolate concentrate, at Charlotte, N. C., alleging that the article had been shipped by Jack Beverages, Inc., New York, N. Y., March 28, 1924, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained salicylic acid and glucose, which had been mixed therewith so as to reduce and injuriously affect its quality, for the further reason that it had been mixed in a manner whereby its inferiority was